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Attorneys for Engineered Structures, Inc. ("ESI")

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA

In the matter of:)	
)	Case No.: 08-35653-KRH through
CIRCUIT CITY STORES, INC.)	08-35670-KRH
)	
Debtor.)	NOTICE IN LIEU OF COMMENCEMENT
)	OF STATUTORY LIEN FORECLOSURE
)	ACTION

**TO: DEBTOR; AND ALL OTHER PARTIES ENTITLED TO NOTICE PURSUANT
TO THE ORDER ESTABLISHING ADMINISTRATIVE AND NOTICE
PROCEDURES:**

Engineered Structures, Inc. ("ESI") hereby gives this notice to Circuit City Stores, Inc., a Virginia corporation (as debtor and debtor-in-possession in this case, "Circuit City"), and to other parties in interest, pursuant to section 546(b)(2) of the Bankruptcy Code, 11 USC §§ 101,

et seq., in lieu of commencing a civil action in the courts of the state of California to foreclose ESI's statutory liens. In support of this notice, ESI represents:

1. Circuit City is a party to the following contracts with ESI (collectively, the "Construction Contracts"):

Store/Contract #	Store Location	Date
3878	Brea, CA	2/13/08
4313	La Habra, CA	2/13/08
3745	Santa Clarita, CA	2/13/08
3396	Palm Desert, CA	3/20/08

2. During 2008, ESI provided goods and services as a general contractor in relation to the construction of new Circuit City stores or the remodeling of existing Circuit City stores pursuant to the above construction contracts.

3. As of November 10, 2008, the date that Circuit City filed its voluntary petition for reorganization under Chapter 11 of the Bankruptcy Code, ESI was owed the following amounts in relation to the construction contracts (the "Debt"):

Contract/ Store #	Store Location	Contract Date	Contract Obligation	CNS Lien Fees	Interest Charges	Obligation on 11/10/08
3878	Brea, CA	2/13/08	\$119,330.78	\$253.00	\$ 588.48	\$120,172.26
4313	La Habra, CA	2/13/08	\$247,488.98	\$ 0.00	\$1,220.49	\$248,709.47
3745	Santa Clarita, CA	2/13/08	\$753,349.93	\$ 0.00	\$ 0.00	\$753,349.93
3396	Palm Desert, CA	3/20/08	\$828,093.12	\$ 0.00	\$ 0.00	\$828,093.12

4. Pursuant to California Code §3084 et seq., the respective Debts are secured by liens on the underlying properties and Circuit City's leasehold interests therein.

5. In order to continue ESI's statutory mechanics' liens on the subject properties, ESI caused claims of lien to be filed on the subject properties as follows ("Claims of Lien"):

Contract/ Store #	Store Location	Contract Date	Lien Amount¹	Date of Claim of Lien	Instrument No.
3878	Brea, CA	2/13/08	\$119,583.78	11/10/08	2008000528752
4313	La Habra, CA	2/13/08	\$247,747.98 ²	11/12/08 12/10/08	2008000528792 2008000567991
3745	Santa Clarita, CA	2/13/08	\$753,620.93	11/24/08	20082074055
3396	Palm Desert, CA	3/20/08	\$828,383.12	11/21/08	2008-0618424

6. A true and correct copy of the Claims of Lien recorded on each of the properties, and the Partial Release of Mechanics' Lien recorded on the La Habra Property, are attached hereto as follows:

- Exhibit A: Claim of Lien on Brea, CA Property;
- Exhibit B: Claim of Lien on La Habra, CA Property;
- Exhibit C: Partial Release of Mechanics' Lien on La Habra, CA Property;
- Exhibit D: Claim of Lien on Santa Clarita, CA Property; and
- Exhibit E: Claim of Lien on Palm Desert, CA Property.

7. In addition, ESI caused notice of the Claims of Lien to be timely given to all necessary parties pursuant to the requirements of the California Civil Code.

8. No foreclosure actions concerning the Claims of Lien have been commenced or are pending and the time fixed by California law to commence such foreclosure action has not yet expired. But for the provisions of §362(a) of the United States Bankruptcy Code, ESI would foreclose its statutory liens by civil action in a court other than a bankruptcy court and would otherwise exercise the rights and remedies which it may have under applicable law. This notice is being filed in lieu of commencing such civil foreclosure actions in the courts of the state of California to foreclose the Claims of Liens. All conditions precedent for the foreclosures of ESI's Claims of Lien have been performed.

¹ Includes only Contract Amount Due and Owing ("Principal") plus CNS Lien Fees; lien amount specified herein does not include interest accruing at the rate of 10.00 percent per annum from the dates identified in each lien.

² Sum reflects amount due and owing after partial release of \$4,291.

DATED this 17th day of December, 2008.

SEYFARTH SHAW LLP

By: /s/ Alexander Jackins

Alexander Jackins (VSB #45501)

Rhett Petcher (VSB #65826)

Counsel for Engineered Structures, Inc.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of December, 2008, a true and correct copy of the foregoing document was filed with the Clerk of the Court using the CM/ECF System which sent a Notice of Electronic Filing to all parties, including the following persons:

Daniel F. Blanks - dblanks@mcguirewoods.com
Dion W. Hayes - Hayes-dhayes@mcguirewoods.com
Douglas M. Foley - dfoley@mcguirewoods.com
Joseph S. Sheerin - jsheerin@mcguirewoods.com
Sarah Beckett Boehm - sboehm@mcguirewoods.com
U.S. Trustee – W. Clarkson McDow, Jr. - Robert B. Van Arsdale - Robert.B.Van.Arsdale@usdoj.gov
<i>Creditor Committee</i> Lynn L. Tavenner - ltavenner@tb-lawfirm.com Paula S. Beran - pberan@tb-lawfirm.com

Additionally, I certify that the following listed non-registered CM/ECF participants were served a copy of the foregoing by first class mail, postage prepaid, addressed to:

<i>Debtor Designee</i> Bruce H. Besanko 9950 Mayland Drive Richmond, VA 23233
Circuit City Store #3878 835 East Birch St. Brea, CA 92821-5735
Circuit City Store #3745 19037 Golden Valley Rd. Santa Clarita, CA 91387-1471
Circuit City Store #4313 1020 W. Imperial Highway La Habra, CA 90631-6901
Circuit City Store #3396 34660 Monterey Avenue Palm Desert, CA 92211-6010

By: /s/ Alexander Jackins
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